

FORM PTO-1390
(REV 10-2004)TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY DOCKET NUMBER

4803-4003

U.S. APPLICATION NO. (If known, 50/37 COR 1/01)

TBA


INTERNATIONAL APPLICATION
PCT/AU2004/000315INTERNATIONAL FILING DATE
16 March 2004PRIORITY DATE CLAIMED
17 March 2003TITLE OF INVENTION
AUXILIARY AGITATOR FOR A FLOTATION DEVICEAPPLICANT(S) FOR DO/EO/US
BOURKE, Peter Gerard

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected. (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). **Declaration Of Inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))**
10. ☒ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter. **Notification of the Recording of a Change (PCT/IB/306).**
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or Information: Published Application with International Search Report; First Notice Informing the Applicant of the Communication of the International Application to the Designated Offices; Response to Written Opinion dated January 4, 2005 ;Response to Second Written Opinion dated April 14, 2005; Statement of Amendments dated April 14, 2005; Statement of Amendments under Article 34 and Return Receipt Postcard.

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|--|--------------|---|------------|---|--------------|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) | | INTERNATIONAL APPLICATION NO. | | ATTORNEY'S DOCKET NO. | |
| TBA 10/549725 | | PCT/AU2004/000315 | | 4803-4003 | |
| The following fees have been submitted | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee\$300 | | | | \$300.00 | |
| 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....\$100 All other situations.....\$200 | | | | \$200.00 | |
| 23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority\$100 International Search Report prepared and provided to the Office.....\$400 All other situations.....\$500 | | | | \$400.00 | |
| TOTAL OF 21, 22 and 23 = | | | | \$900.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 15- 100 = | 0/50 = | | x \$250.00 | \$0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total claims | 38 - 20 = | 18 | x \$50.00 | \$ 900.00 | |
| Independent claims | 2 - 3 = | 0 | x \$200.00 | \$0.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$360.00 | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$1,800.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL = | | | | \$1,800.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | + | \$ |
| TOTAL NATIONAL FEE = | | | | \$1,800.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | \$ 40.00 |
| TOTAL FEES ENCLOSED = | | | | \$ 1,840.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$1,840.00 |
| <p>a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 13-4500 (4803-4003) in the amount of \$1,840.00 to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-4500 (4803-4003). A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: CUSTOMER ID NO. 27123 Enter Address Here Bartholomew Verdirame, Esq. MORGAN & FINNEGAN LLP 3 World Financial Center New York, New York 10281-2101 212 415 8700 Telephone 212 415 8701 Fax</p> | | | | | |
| | | | |  Signature Bartholomew Verdirame Name 28,483 REGISTRATION NUMBER | |

10/549725

Docket No. 4803-4003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC20 Rec'd PCT/PTO 1 6 SEP 2005

Applicant(s): BOURKE, Peter Gerard

Group Art Unit: Not Yet Assigned

Serial No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: September 16, 2005 (Herewith)

For: AUXILIARY AGITATOR FOR A FLOTATION DEVICE

EXPRESS MAIL CERTIFICATE

Mail Stop Box PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: **EV 622501929 US**

Date of Deposit: September 16, 2005

I hereby certify that the following attached paper(s) and/or fee:

1. Transmittal letter to the US Designated Elected Office Concerning Filing Under 35 USC 371 (2 pps);
2. Preliminary Amendment (7 pp);
3. Information Disclosure Statement (1 pp);
4. PTO Form 1449A (1 pp) and one non US cited reference;
5. Statement of Amendments Under Article 34 dated January 4, 2005 (7 pps);
6. Statement of Amendments dated April 14, 2005 (6 pps);
7. Response to Written Opinion dated January 4, 2005 (2 pps);
8. Response to Second Written Opinion dated April 14, 2005 (2 pps);
9. Published International Application with International Search Report (2 pps);
10. First Notice Informing the Applicant of the Communication of the International Application to the Designat Offices (1 pp);
11. International Preliminary Report on Patentability (9 pps);
12. Notification of Recording of a Change (1 pp)
13. Declaration of Inventorship for US (1 pp); and
14. Assignment (2 pps);
15. Assignment Recordation (1 pp);
16. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing papers(s) and/or fee)

Albert Isles

(Signature of person mailing paper(s) and/or fee)

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